# REMARKS

Claims 1, 4-8, 11-15 and 18-21 are pending in the instant application. Claims 1, 4-8, 11-15 and 18-21 have been rejected by the Examiner. Claims 1, 15, 19 and 20 have been amended. Claims 22-26 are newly added. The Applicant respectfully submits that claims 1, 4-8, 11-15, and 18-26 are in condition for allowance and respectfully requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

## *Support for Amendments to the Specification*

The Applicant has amended paragraph [0028] of the specification to remove the reference to "transmitted over some transmission medium, such as over electrical wiring or cabling, through fiber optics, or via electromagnetic radiation." No new matter has been entered by this amendment.

## *Support for Claim Amendments*

Claim 1 has been amended to recite *inter alia* "A <u>computer-implemented</u> method for filtering content <u>operating</u> on <u>one or more</u> computer <u>processors, the computer processors in communication with a host system computer over a communication network, the method</u>." Support for the amendment can be found throughout the specification and figures. (See e.g. FIG. 1, and paras. [0015] and [0028]). No new matter was entered.

Claim 15 has been amended to recite inter alia "A system for filtering content <u>operating</u> on <u>one or more computer processors</u>, said computer <u>processors</u> in communication with a communication network, said system comprising." Support for the amendment can be found throughout the specification and figures. (See e.g. FIG. 1, and paras. [0015] and [0028]). No new matter was entered.

Claims 19 and 20 have been amended in order to provide proper antecedent basis.

Claims 22-26 are newly added. Support for claims 22 and 24 can be found throughout the specification and figures. (See e.g. Para. [0026]). Support for claims 23, 25 and 26 can also be found throughout the specification and figures. (See e.g. para. [0021]). No new matter was entered.

## *Claim Rejections Under 35 USC §112*

Claims 1 has been rejected under 35 U.S.C. §112 stating that "the claim recites a

system…whereas the body recites structure." The Applicant respectfully disagrees. Claim 1 recites a method and not a system. Claim 15, on the other hand, recites a system. With regard to claim 15, the Applicant has amended the preamble to recite: "A system for filtering content operating on one or more computer processors, said computer processors in communication with a communication network, said system comprising." The system therefore executes on a computer processor and is not "software per se" as the Examiner states. The Applicant therefore, respectfully requests reconsideration and withdrawal of the rejection.

## *Claim Rejections Under 35 USC §101*

Claim 1 and 15 have been rejected under 35 U.S.C. 35 U.S.C. §101 as being directed to non-statutory subject matter.

The Applicant has amended independent claim 1 to state *inter alia* "A computer-implemented method for filtering content operating on one or more a computer processors, the computer processors in communication with a host system computer over a communication network, the method comprising." Although non-statutory subject matter law and its implementation within the USPTO are still in flux, the claim amendments provided herein reflect current understanding of such application for overcoming the §101 rejections of claims 1-7.

The Applicant has amended independent claim 15 to state *inter alia* "A system for filtering content operating on one or more computer processors, said computer processors in communication with a communication network, said system comprising." Although non-statutory subject matter law and its implementation within the USPTO are still in flux, the claim amendments provided herein reflect current understanding of such application for overcoming the §101 rejections of claims 15-21.

## *Claim Rejections Under 35 USC 35 U.S.C. §103(a)*

Claims 1, 4-8, 11-15, and 18-21 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Schiff et al. (U.S. Publication No. 2003/0158777) (hereinafter "Schiff") in view of Serena (U.S. Patent No. 6,912,571) (hereinafter "Serena") and further in view of Katz et al. (U.S. Patent No. 7,283,974) (hereinafter "Katz"). The Applicant respectfully traverses the outstanding rejections for at least the reasons presented herein.

Claim 1 recites a method for filtering content presented on a computer. The method comprises "storing selections, associated with the computer, that relate to each of a plurality of applications, the selections including a priority level, and at least one mode of presentment selected by a user via a user interface on the computer;

indexing data relating to activities previously conducted on said computer;

storing indexed data in a database;

upon receiving content associated with activities currently conducted on said computer via one of the applications, accessing said indexed data from said database;

accessing said selections relating to said application, priority level, and said at least one mode of presentment;

evaluating said content in view of the selections and the indexed data, to determine a relevance of the content; and

performing an action on said content in accordance with said relevance determination and said selections;

wherein the applications include a messaging application, a web browser application, and a word processing application."

The Examiner states in the Office Action that Schiff teaches each of the features recited therein except for "evaluating said content in view of the selections and the indexed data, to determine a relevance of the content," for which he relies upon Serena, and "wherein the applications include…a word processing application," for which he relies upon Katz.

In particular, the Examiner states that Schiff teaches "storing selections, associated with the computer, that relate to each of a plurality of applications, the selections including a priority level," citing paragraphs [0025]-[0028], [0030], and [0064] in support. However, Schiff is devoid of teaching selecting a priority level that relates to applications, as suggested by the Examiner. Rather, Schiff provides for the attachment of *start and end dates* before and after

which a message cannot be displayed, to the messages to be displayed (paragraph [0028]). Setting start and end dates to a message *is not the same as selecting a priority*. Paragraph [0026] of Schiff generally discloses viewing priorities of applications, but does not provide any disclosure of how the viewing priorities are implemented.

The Examiner, on page 12 of his response, states that "user's portfolio comprises an indication of a viewing priority for each Provider," in paragraph [0026] of Schiff is interpreted to mean "each Provider … provid[es] information via *a variety of applications*." (Emphasis added). Schiff teaches setting a priority at the Provider level. As the Examiner properly interprets, the Provider can provide information via a variety of applications. It therefore follows that setting a priority at the Provider level, as taught in Schiff, by definition, does *not* set a priority at the application level. ("each Provider … provid[es] information via *variety of applications*", Examiner's response, Page 12). That is because when a priority is set at the Provider level, all of the "variety" of applications that the Provider uses to provide information will be set to that one priority associated with the Provider as opposed to setting a distinct priority to each application as recited in the Applicant's claims. Accordingly, Schiff fails to teach or suggest "storing selections, associated with the computer, that relate to *each of a plurality of applications*, the selections including a priority level," as recited in claim 1.

Also, with respect to claim 1, the Examiner compares "storing selections, associated with the computer, that relate to each of a *plurality of applications*," in the Applicant's invention, to "[t]he server that operates the system of the invention, which contains data relative to all the users' portfolio, and *additional programs and utilities*, for example, the interfaces that enable the user to edit his portfolio, a database of the content provided by the providers, the billing system, and interface for the portals ad servers" (emphasis added). The Examiner has misapplied the teachings of Schiff. According to Schiff, the "additional programs and utilities" are contained on the server. The "additional programs and utilities" are not associated with the user or the user portfolio, as Schiff discloses "for example, the interfaces that enable the user to edit his portfolio, a database of the content provided by the providers, the billing system, and interface for the portals ad servers." The list is one of the examples of other applications running on the server. See, Figure 3, for example, which illustrates a user portfolio. The portfolio contains information related to providers, messages, and priorities but does not disclose any settings for applications,

nor are there any provisions for application settings anywhere in Schiff.

The Examiner further misconstrues "indexing data relating to activities previously conducted on said computer," as recited in the Applicant's claim 1 with "[t]he AS can also give the user the option to see the history of his messages." The Examiner makes a broad assumption that history is a file and that an index is a file per a netlingo.com definition, which states that index is a "file or directory on a server that usually contains information about the directory or Web site, such as access privileges, dates, and even a list of other indexes (indices)." However, an index, defined as a noun, is different from "indexing" used as a verb. As is known to those skilled in the art, the act of indexing is a process of executing index logic, as described in paragraph [0020] of the Applicant's specification and shown in Figure 1, reference 118 ("[I]ndex logic refers to the gathering of the user's data 112 and organizing it for future reference and analysis"). Accordingly, Schiff fails to teach or suggest "indexing data relating to activities previously conducted on said computer."

The Examiner further states with respect to claim 1, that "providing an Administration Server (AS) in which user portfolios are stored, said AS being in communication with a terminal belonging to a user," (paragraph [0017]) is the same as "upon receiving content associated with activities currently conducted on said computer via one of the applications, accessing said indexed data from said database." There is nothing in Schiff that appears to act in reaction to receiving content. Rather, the disclosure in Schiff appears to push content dependant on a user profile, rather than reacting to content based on user preferences. Accordingly, Schiff fails to teach or suggest, "upon receiving content associated with activities currently conducted on said computer via one of the applications, accessing said indexed data from said database."

Also, with respect to claim 1, the Examiner compares "performing an action on said content in accordance with said relevance determination and said selections" to "debiting the Provider for messages displayed to said one or more users" (paragraph [0022] in Schiff). Although debiting is an action, it is not made in regard to "relevance determination and said selections" but rather is based simply on taking money from a provider for every piece of content that is displayed to the user. There is no determination of relevance in the way the action is taken. Accordingly, Schiff may not be relied upon for teaching or suggesting, "performing an action on

said content in accordance with said relevance determination and said selections." On page 14 of the Examiner's Response, the Examiner states that: "Examiner interprets action performed is that of presenting or blocking items in a manner consistent with the user's interests, as explicitly provided in the rejection of Claim 1." The Applicant, however, disagrees that "debiting the Provider" is the same as "performing an action on said content." Debiting the Provider is not an action on content. The Examiner appears to interpret "performing an action on said content" to mean performing an action based on the display of content. The two action are not the same. The Examiner also points to figures 2A and 2C of Schiff. Figure 2A "is an example of a registration procedure according to a preferred embodiment of the invention, where the user adds companies to his personal portfolio, which procedure may include an active request from companies to send him messages, and authorizing the companies to send him messages." (Schiff, Para [0048]). The registration process in Schiff does not describe , "performing an action on said content in accordance with said relevance determination and said selections." The Examiner points to the word "e-mail" in Figure 2C presumably as an indication of "performing an action on said content in accordance with said relevance determination and said selections." Figure 2C, however is described as "an example of a registration process and the addition of a company using a browser plug-in," which is unrelated to "performing an action on said content in accordance with said relevance determination and said selections."

As Schiff does not teach or suggest the features as described above, the introduction of Serena and Katz fails to cure the aforementioned deficiencies of Schiff. For at least this reason, the Applicant submits that claim 1 is patentable over Schiff, Serena, and Katz, either alone or in combination. Independent claims 8 and 15 recite substantially similar subject matter as that recited in claim 1. For at least the reasons advanced above with respect to claim 1, the Applicant submits that claims 8 and 15 are also patentable over the cited references and are in condition for allowance. In addition, with regard to claim 15, the Examiner provides no arguments for "at least one application executing on said computer processors; an interface profile system executing on said computer processors, said interface profile system including an index logic component and an evaluation logic component; and a personal data index." The Applicant submits that this feature is not found anywhere in the combination of Schiff, Serena and Katz. Therefore, for at least that reason, claim 15 is patentable.

Claims 4-7, 11-14, and 18-21 depend from what should be allowable base claims 1, 8, and 15, respectively. For at least this reason, the Applicant submits that claims 4-7, 11-14, and 18-21 are also in condition for allowance. Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

With regard to claims 22-26 neither Schiff, Serena and Katz, either alone or in combination, teach or suggest each and every element claimed. Therefore, for at least that reason, claims 22-26 are patentable.

## CONCLUSION

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicant. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing remarks should render the case in condition for allowance.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 09-0463.

Respectfully submitted,

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